

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$4,349.60, MORE OR LESS,  
REPRESENTING THE FUNDS SEIZED  
ON APRIL 11, 2007, FROM  
WASHINGTON MUTUAL BANK  
ACCOUNT #XXXXXXX3529 IN THE  
NAME "PHUONG THAO LISA TRAN"  
et al.,

Defendants,

NO. C07-1675RSM

DEFAULT JUDGMENT  
OF FORFEITURE

Plaintiff, United States of America filed its Verified Complaint for Forfeiture in  
rem herein on October 12, 2007. The Complaint alleged that the following properties are  
subject to seizure and forfeiture by the United States:

- a. \$4,349.60, more or less, representing the funds seized on April 11, 2007,  
from Washington Mutual Bank account #3506333529 in the name "Phuong  
Thao Lisa Tran";
- b. \$2,125.53, more or less, representing the funds seized on April 11, 2007,  
from Washington Mutual Bank account #1814192637 in the name "Phuong  
Thao Lisa Tran";

- 1 c. \$29,049.67, more or less, representing the funds seized on April 11, 2007,  
2 from Washington Federal Savings account #1357002698 in the name  
3 "Victor Nguyen and Lisa Tran";
- 4 d. \$7,926.20, more or less, representing the funds seized on April 11, 2007,  
5 from Wells Fargo Bank account #2908155860 in the name "Lisa P Tran";
- 6 e. \$2,869.59, more or less, representing the funds seized on April 11, 2007,  
7 from Wells Fargo Bank account #6683182031 in the name "Lisa P Tran";
- 8 f. \$31.51, more or less, representing the funds seized on April 11, 2007, from  
9 Wells Fargo Bank account #1379201856 in the name "Victor Nguyen";
- 10 g. \$1,710.74, more or less representing the funds seized on April 11, 2007,  
11 from Wells Fargo Bank account #1379210543 in the name "MSN  
12 Investments, Inc." (Victor Nguyen);
- 13 h. \$9,190.09, more or less, representing the funds seized on April 11, 2007,  
14 from Wells Fargo Bank Account #2526166976 in the name of "Victor  
15 Nguyen d/b/a MSN Investments";
- 16 i. \$5,132.22, more or less, representing the funds seized on April 11, 2007,  
17 from Wells Fargo Bank account #3853037509 in the name "Victor  
18 Nguyen";
- 19 j. \$1,024.34, more or less representing the funds seized on April 11, 2007,  
20 from Washington Federal Savings account #1354017772 in the name  
21 "Victor Nguyen";
- 22 k. \$244.33, more or less, representing the funds seized on April 11, 2007,  
23 from Washington Federal Savings account #1354017764 in the name  
24 "Victor Nguyen";
- 25 l. \$4,352.17, more or less, representing the funds seized on April 11, 2007,  
26 from Bank of America Account #76286764 in the name of "Lisa P.T. Tran  
27 and Le My Nguyen";
- 28 m. \$52.88, more of less, representing the funds seized on April 11, 2007, from  
Bank of America Account #83728188 in the name of "Tan A. Thai";
- n. 18310 114th Ave. SE, Renton, Washington (King County Parcel #  
3223059283), its buildings, improvements, appurtenances, fixtures,  
attachments and easements. Property titled in the name of Victor Nguyen  
and Lisa Tran; and<sup>1</sup>

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<sup>1</sup>On July 25, 2008, the Court issued an Order Granting Washington Federal Savings' Motion for Release of Real Property. See Docket No. 74. On August 1, 2008, the United States filed a Notice of Release of Lis Pendens of the real property located at 178310 114th Ave. SE, Renton, Washington, 98055. See Docket No. 75. The United States is not seeking forfeiture of this property.

1           o.     \$6,841.20 in net proceeds from the Stipulated Interlocutory Sale of real  
2           property located at 1727 SE 30th Place, Renton, Washington (King County  
3           Parcel # 0088000633), its buildings, improvements, appurtenances, fixtures,  
4           attachments and easements. Property titled in the name of Victor Danh  
5           Nguyen and Lisa P. T. Tran;<sup>2</sup>  
6           (sometimes hereinafter referred to as the defendant properties), pursuant to pursuant to  
7           the provisions of Title 21, United States Code, Section 881(a)(6), as money or other  
8           things of value, furnished, or intended to be furnished in exchange for a controlled  
9           substance, proceeds traceable to such an exchange, money used or intended to be used to  
10          facilitate a conspiracy to manufacture, and manufacturing of, marijuana, in violation of  
11          Title 21, United States Code, Sections 841(a)(1) and 846; and pursuant to Title 18,  
12          United States Code, Section 981(a)(1)(A), as property involved in money laundering  
13          transactions and a money laundering conspiracy, in violation of Title 18, United States  
14          Code, Sections 1956(a)(1)(A), 1956(a)(2), 1956(h), and 1957; and/or pursuant to Title 31,  
15          United States Code, Section 5317(c)(2), as property involved in structuring and a  
16          conspiracy to commit structuring, in violation of Title 31, United States Code, Section  
17          5324(a) and Title 18 United States Code, Section 371.

18           On October 12, 2007, the United States filed a Verified Complaint for Forfeiture  
19          In Rem against the defendant properties, brought pursuant to the provisions of Title 21,  
20          United States Code, Section 881(a)(6), as money or other things of value, furnished, or  
21          intended to be furnished in exchange for a controlled substance, proceeds traceable to  
22          such an exchange, money used or intended to be used to facilitate a conspiracy to  
23          manufacture, and manufacturing of, marijuana, in violation of Title 21, United States  
24          Code, Sections 841(a)(1) and 846; and pursuant to Title 18, United States Code,  
25          Section 981(a)(1)(A), as property involved in money laundering transactions and a money  
26          laundering conspiracy, in violation of Title 18, United States Code,

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27           <sup>2</sup>On April 8, 2008, the Court issued an order approving a Stipulation for  
28          Interlocutory Sale of the real property located at 1727 SE 30<sup>th</sup> Pl., Renton, Washington,  
29          98055, and the Substitution of the Net Sales Proceeds for the Property. See Docket No.  
30          67. The property was sold and the net proceeds of the sale totaling \$6,841.20 were  
31          deposited in the U.S. Marshals Seized Asset Holding account as a substitute *res*.

1 Sections 1956(a)(1)(A), 1956(a)(2), 1956(h), and 1957; and/or pursuant to Title 31,  
2 United States Code, Section 5317(c)(2), as property involved in structuring and a  
3 conspiracy to commit structuring, in violation of Title 31, United States Code, Section  
4 5324(a) and Title 18 United States Code, Section 371. See Docket No. 1.

5 On October 12, 2007, a Warrant of Arrest in rem was issued to arrest the  
6 defendant properties. See Docket No. 3.

7 On November 21, 2007, Plaintiff instructed the U.S. Marshals Service to perfect  
8 personal service of the Verified Complaint for Forfeiture in rem, the Notice of Complaint  
9 for Forfeiture in rem, and Warrant of Arrest in rem (hereinafter “complaint and  
10 supporting documents”) upon Philip Nguyen, Registered Service Agent for Kent  
11 Distributor, Inc. and MSN Investments, Yen Phuong Tran, and Tan An Thai.

12 A copy of the complaint and supporting documents, were also sent via registered mail,  
13 return receipt requested, as follows:

- 14 a. November 20, 2007: sent to attorney Mark D. Mestel, counsel for  
15 Danh Van Nguyen;
- 16 a. December 3, 2007: sent to attorney Stephen R. Illa, counsel for  
17 Phuong Thao Tran;
- 18 b. December 10, 2007: sent to John Henry Browne, counsel for Le My  
19 Nguyen and David Henry Gehrke, counsel for Le My Nguyen.

20 On November 27, 2007, attorney Mark David Mestel, counsel for Danh Van  
21 Nguyen filed an Acknowledgment of Service wherein Mark David Mestel acknowledged  
22 service of the complaint and supporting documents on behalf of Danh Van Nguyen. See  
23 Docket Nos. 4-12. On December 12, 2008, attorney Mark David Mestel, counsel for  
24 Danh Van Nguyen, filed several Answers to the Complaint and several Claims on behalf  
25 of Danh Van Nguyen. See Docket Nos. 13-30, and 45-46.

26 On December 19, 2007, attorney Stephen R. Illa, counsel for Phoung Thao Tran,  
27 filed an Acknowledgment of Service wherein Stephen R. Illa acknowledged service of the  
28 complaint and supporting documents on behalf of Phoung Thao Tran. See Docket No. 47.  
Also, on December 19, 2008, attorney Stephen P. Illa, counsel for Phoung Thao Tran,  
filed a Notice of Appearance on behalf of Phoung Thao Tran. See Docket No. 48.

1 On December 19, 2007, the United States filed an Acknowledgment of Service  
2 wherein attorney John Henry Browne, counsel for Le My Nguyen, acknowledged service  
3 of the complaint and related documents on behalf of Le My Nguyen. See Docket No. 49.

4 On December 21, 2007, attorney Stephen R. Illa, counsel for Phoung Thao Tran,  
5 filed an Answer to Complaint and Claim on behalf of Phoung Thao Tran. See Docket  
6 Nos. 50 and 51.

7 On December 3, 10, and 17<sup>th</sup>, 2007, the United States published notice of the arrest  
8 of the defendant vehicle in The Daily Journal of Commerce. All interested persons were  
9 advised to file their claims pursuant to Supplemental Rule G(5) of the Federal Rules of  
10 Civil Procedure with the Clerk of the Court within thirty (30) days after the date of  
11 publication and to serve their answers to the complaint within twenty (20) days after the  
12 filing of a claim. The United States Marshals Service filed the Return of Service  
13 regarding said publication on January 3, 2008. See Docket No. 53.

14 On January 3, 2008, the United States Marshals Service filed a Return of Service  
15 wherein the United States Marshals Service confirmed that personal service of the  
16 complaint and supporting documents was perfected upon Philip Nguyen on January 4,  
17 2008. See Docket No. 54.

18 On January 17, 2008, the United States Marshals Service filed a Return of Service  
19 wherein the United States Marshals Service confirmed that personal service of the  
20 complaint and supporting documents was perfected upon Yen Phuong Tran on December  
21 17, 2007. See Docket No. 58.

22 On January 17, 2008, the United States Marshals Service filed a Return of Service  
23 wherein the United States Marshals Service confirmed that personal service of the  
24 complaint and supporting documents was perfected upon Tan An Thai on December 17,  
25 2007. See Docket No. 59.

26 On August 5, 2008, the Court filed an Order Granting the United States' Motion to  
27 Dismiss the Claims and Answers of Danh Van Nguyen and Phuong Thao Tran. See  
28 Docket No. 76.

1 The United States has provided written notice to all persons known to have an  
2 alleged interest in the defendant properties. No claim of interest has been received or filed  
3 with the Court from Philip Nguyen, Registered Service Agent for MSN Investments, Inc.  
4 and Kent Distributor Inc., Yen Phuong Tran, or Tan An Thai. The Claims and Answers  
5 filed by Danh Van Nguyen and Phuong Thao Tran have been dismissed by the Court.  
6 Further, the time allowed for the filing of such a claim has expired.

7 The United States has provided written notice to all persons known to have an  
8 alleged interest in the defendant properties. No claim of interest has been received or filed  
9 with the Court from Philip Nguyen, Registered Service Agent for MSN Investments, Inc.  
10 and Kent Distributor Inc., Yen Phuong Tran, or Tan An Thai. The Claims and Answers  
11 filed by Danh Van Nguyen and Phuong Thao Tran have been dismissed by the Court.  
12 Further, the time allowed for the filing of such a claim has expired.

13 On September 26, 2008, the Clerk of the Court entered an Order of Default against  
14 Philip Nguyen, Registered Service Agent for MSN Investments, Inc. and Kent Distributor  
15 Inc., Yen Phuong Tran, or Tan An Thai, Danh Van Nguyen, Phuong Thao Tran and any  
16 unknown persons who have failed to plead, answer or otherwise submit a claim to the  
17 defendant properties.

18 Now, therefore on motion by the Plaintiff, United States of America, for a Default  
19 Judgment for Forfeiture, it is hereby

20 ORDERED, ADJUDGED and DECREED as follows:

21 1. This Court has jurisdiction over this action under Title 18, United States  
22 Code Sections 1345 and 1355.

23 2. Pursuant to Title 21, United States Code, Section 881(a)(6), the  
24 following defendant properties are forfeited to the United States of America, and no right,  
25 title, or interest in the defendant properties shall exist in any other party:

- 26 a. \$4,349.60, more or less, representing the funds seized on April 11,  
27 2007, from Washington Mutual Bank account #3506333529 in the  
28 name "Phuong Thao Lisa Tran";

- b. \$2,125.53, more or less, representing the funds seized on April 11, 2007, from Washington Mutual Bank account #1814192637 in the name "Phuong Thao Lisa Tran";
- c. \$29,049.67, more or less, representing the funds seized on April 11, 2007, from Washington Federal Savings account #1357002698 in the name "Victor Nguyen and Lisa Tran";
- d. \$7,926.20, more or less, representing the funds seized on April 11, 2007, from Wells Fargo Bank account #2908155860 in the name "Lisa P Tran";
- e. \$2,869.59, more or less, representing the funds seized on April 11, 2007, from Wells Fargo Bank account #6683182031 in the name "Lisa P Tran";
- f. \$31.51, more or less, representing the funds seized on April 11, 2007, from Wells Fargo Bank account #1379201856 in the name "Victor Nguyen";
- g. \$1,710.74, more or less representing the funds seized on April 11, 2007, from Wells Fargo Bank account #1379210543 in the name "MSN Investments, Inc." (Victor Nguyen);
- h. \$9,190.09, more or less, representing the funds seized on April 11, 2007, from Wells Fargo Bank Account #2526166976 in the name of "Victor Nguyen d/b/a MSN Investments";
- i. \$5,132.22, more or less, representing the funds seized on April 11, 2007, from Wells Fargo Bank account #3853037509 in the name "Victor Nguyen";
- j. \$1,024.34, more or less representing the funds seized on April 11, 2007, from Washington Federal Savings account #1354017772 in the name "Victor Nguyen";
- k. \$244.33, more or less, representing the funds seized on April 11, 2007, from Washington Federal Savings account #1354017764 in the name "Victor Nguyen";
- l. \$4,352.17, more or less, representing the funds seized on April 11, 2007, from Bank of America Account #76286764 in the name of "Lisa P.T. Tran and Le My Nguyen";
- m. \$52.88, more of less, representing the funds seized on April 11, 2007, from Bank of America Account #83728188 in the name of "Tan A. Thai";
- o. \$6,841.20 in net proceeds from the Stipulated Interlocutory Sale of real property located at 1727 SE 30th Place, Renton, Washington (King County Parcel # 0088000633), its buildings, improvements, appurtenances, fixtures, attachments and easements. Property titled in the name of Victor Danh Nguyen and Lisa P. T. Tran.

1           3.     The United States Marshals Service shall dispose of the defendant  
2 properties in accordance with the law.

3           4.     The Clerk of the Court shall deliver forty-two (42) raised seal, certified  
4 copies of this Default Judgment for Forfeiture to the United States Marshals Service.

5           DATED this 18 day of November, 2008.

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9 RICARDO S. MARTINEZ  
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 s/Richard E. Cohen  
13 RICHARD E. COHEN  
14 Assistant United States Attorney  
15 United States Attorney's Office  
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